

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

DATE: **20TH JULY 2016**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **APPEAL BY MR. & MRS KELLY AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A REPLACEMENT DWELLING AT OAKFIELD COTTAGE, ALLTAMI – ALLOWED.**

1.00 APPLICATION NUMBER

1.01 054358

2.00 APPLICANT

2.01 Mr & Mrs Kelly

3.00 SITE

3.01 Oakfield Cottage, Alltami, CH7 6LQ

4.00 APPLICATION VALID DATE

4.01 22/9/2015

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspector's decision in relation to the delegated decision of the Local Planning Authority to refuse to grant planning permission at Oakfield Cottage, Alltami. The appeal was dealt with by way of an exchange of written representations and was ALLOWED.

6.00 REPORT

6.01 The Inspector considers the main issues to be the effects of the proposal on the character and appearance of the countryside and highway safety.

- 6.02 The Inspector discusses the setting of the site within the open countryside and describes the building and its surroundings. He also quotes the floor areas of the existing and proposed dwellings. He considers policy HSG6 of the Flintshire Unitary Development Plan and specifically makes reference to the explanatory text that states that an increase in floor area of over 50% will not be acceptable. The Inspector recognises that the Authority objects to the 88% proposed increase and the height increase intended.
- 6.03 The Inspector then goes on to agree with the appellant in saying that the explanatory text is not policy. He considers the floor area increase and the need for the replacement dwelling to be 'similar' as required by criterion (d). However, he continues to discuss the policy and states that criterion (d) pulls in different directions and mentions inconsistencies between the policy itself and the explanatory text. Although the Inspector clearly states that the proposal fails to comply with Policy HSG6 on the face of it, he concludes that he is attaching little weight to the policy due to the aforementioned inconsistency and considers the proposal against policies GEN1 and D2 instead. These policies require development that harmonises with the site and its surroundings. After discussing the design merits of the proposal he concludes that it would not affect the character and appearance of the countryside location.
- 6.04 The Inspector considers the access from the A494 trunk road and agrees with concerns raised by Welsh Government's Transport Officer, who is seeking further information about the access. He is of the opinion that all of the outstanding access issues can be addressed by a suitable condition.

7.00 CONCLUSION

- 7.01 The Inspector concludes that it appears possible to achieve a safe and satisfactory access and that the proposed dwelling would not adversely affect the character and appearance of the countryside. He, therefore, grants planning permission subject to conditions.
- 7.02 For the reasons above, the Inspector concluded that the appeal should be ALLOWED.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: Lauren Eaton-Jones
Telephone: 01352 703299
Email: Lauren_Eaton-Jones@flintshire.gov.uk